

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

March 5, 2001
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Mosher, Deputy Mayor Marshall, Councilmembers Creighton, Davidson, Degginger, Lee, and Noble

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:00 p.m. by Mayor Mosher, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers were present. Mrs. Marshall led the flag salute.

(a) Commendation for City's Response to Earthquake

Mayor Mosher presented a commendation recognizing the City's response to the February 28 earthquake. City staff acted swiftly to activate the Emergency Operations Center, gather damage assessments, and provide accurate information to the public. Mr. Mosher noted that investments in seismic upgrades to City facilities and adherence to modern building codes for private construction helped to minimize property damage. He praised the City's emergency planning and public education efforts over the past 10 years as well as the community's response. Mr. Mosher thanked Barb Graff and JoAnn Jordan of the Fire Department's Emergency Preparedness Division for their professionalism and commitment to community safety.

3. Communications: Written and Oral: None.

4. Reports of Community Councils, Boards and Commissions: None.

5. Report of the City Manager

City Manager Steve Sarkozy praised staff's response to the earthquake last week. Mr. Sarkozy said the City will continue to monitor minor damage in the community, and he encouraged citizens to report any damage they observe to the City. A mud slide at Glendale Golf Course is being monitored to protect Kelsey Creek and the Olympic Pipe Line.

6. Council Business

Councilmembers provided their reports in the earlier Study Session.

7. Approval of the Agenda

- ➡ Dr. Davidson moved to approve the agenda, and Mr. Lee seconded the motion.
- ➡ Mr. Degginger moved to defer Agenda Item 11(a) to March 19 to provide adequate time for Council to receive and review all related documents, and Mr. Lee seconded the motion.

Mrs. Marshall spoke in favor of acting on Agenda Item 11(a) tonight and noted that the Issaquah School District is asking for a reduction in impact fees. Mayor Mosher concurred with Mrs. Marshall's comments.

- ➡ The motion to defer consideration of Agenda Item 11(a) to March 19 carried by a vote of 5-2, with Mayor Mosher and Deputy Mayor Marshall opposed.
- ➡ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

- ➡ Mrs. Marshall moved to approve the Consent Calendar, and Mr. Creighton seconded the motion.
- ➡ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:
 - (a) Minutes of February 5, 2001 Study Session
Minutes of February 5, 2001 Regular Session (Amended)
Minutes of February 12, 2001 Extended Study Session
 - (b) Resolution No. 6512 adopting the City of Bellevue Federal Legislative Agenda for the 2001 congressional session.
 - (c) Motion to approve payment of claims for the period ending February 23, 2001, and payroll for the period February 1 through February 15, 2001.
 - (d) Resolution No. 6513 authorizing adoption of Master Plan Alternative 1A, as well as adopting "Sixth Street Park" as the official name, for the new mini park site located at 10150 SE 6th Street.
 - (e) Resolution No. 6514 authorizing execution of all documents necessary for the granting of a utility easement to 360 Networks USA, Inc. to install a fiber optic trunkline along the westerly edge of City property located on the southeast corner of NE 6th Street and 110th Avenue NE.

- (f) Resolution No. 6515 authorizing execution of an agreement with BJY, Inc. for permit review in an amount not to exceed \$150,000.
- (g) Motion to waive minor bid irregularity and award Bid No. 0112 for installation of NE 2nd Street and 106th Avenue NE street lighting, sidewalk replacement, and related improvements in the amount of \$233,353 to Signal Electric, Inc. as low bidder. (CIP Project Nos. PW-R-112 and PW-R-113)
- (h) Resolution No. 6516 authorizing execution of an agreement with King County Department of Transportation for services associated with implementation of the Access Downtown Rideshare Program.
- (i) Resolution No. 6517 authorizing execution of Amendment No. 1 in the amount of \$219,116 to a consultant agreement with David Evans and Associates, Inc. to provide engineering services for the 124th Avenue SE roadway improvements. (CIP Project No. PW-R-129)
- (j) Resolution No. 6518 authorizing execution of an agreement with Diamond Parking, Inc. to provide on-street parking enforcement and off-street handicap parking enforcement in Downtown Bellevue.

9. Public Hearings

- (a) Motion to open the public hearing for citizen comments on annexing to the City of Bellevue a 523-acre area known as West Lake Sammamish.
(Pre-annexation zoning was established through Ordinance No. 4814, unanimously approved by Council on December 11, 1995. Upon annexation, the property owners have agreed to assume their share of the City's bonded indebtedness.)
 - (1) Ordinance No. 5277 annexing to the City of Bellevue a 523-acre area known as West Lake Sammamish

Mayor Mosher noted that any citizen may come forward to comment on the proposal to annex the area known as West Lake Sammamish into the City of Bellevue.

Planning and Community Development Director Matt Terry said the West Lake Sammamish annexation was brought before Council under the direct petition method in 1999. The annexation was approved by the Boundary Review Board on February 27, 2001.

Mr. Terry said City staff first engaged the West Lake Sammamish community in discussions in July 1999. In March 2000, Council was presented with a petition indicating an intent to annex and signed by 150 households representing 12 percent of the assessed valuation in the area. Ultimately property owners representing 62 percent of the assessed valuation in the area, or nearly 600 households, chose to sign the annexation petition to join the City of Bellevue.

Mr. Terry said the City held public meetings and met with property owners individually to discuss the proposed annexation. Neighborhood associations held meetings on the issue as well.

Mr. Terry feels the exchange of information with citizens allowed them to make an informed decision.

- ➡ Mrs. Marshall moved to open the public hearing, and Mr. Noble seconded the motion.
- ➡ The motion to open the public hearing carried by a vote of 7-0.

The following citizens came forward to comment on the proposed annexation of the West Lake Sammamish area:

- (1) Raju Dahlstrom, 4189 West Lake Sammamish Parkway SE, Unit #B209, said he and his family look forward to becoming Bellevue residents.
 - (2) Tom Satagaj, 3239 164th Place SE, said he was hoping the West Lake Sammamish area would be able to join the city as a Community Council area. He feels Community Councils are beneficial to citizens.
- ➡ Mrs. Marshall moved to close the public hearing, and Mr. Degginger seconded the motion.
 - ➡ The motion to close the public hearing carried by a vote of 7-0.
 - ➡ Mrs. Marshall moved to adopt Ordinance No. 5277, and Mr. Noble seconded the motion.

Deputy Mayor Marshall thanked Nicholas Matz and Ron Matthew for two years of hard work on the annexation effort.

- ➡ The motion to adopt Ordinance No. 5277 carried by a vote of 7-0.

Mayor Mosher welcomed West Lake Sammamish residents into the City of Bellevue.

- (b) Reopened limited public hearing held February 5, 2001, and October 2, 2000, on the Examiner's decision of August 11, 2000, and recommendation on remanded items regarding the Conditional Use Permit (CUP) application of Dan Vradenburg (Open Window School). File No. 99-2242-LB.

City Attorney Richard Andrews explained the rules and procedures for the limited public hearing on the Conditional Use Permit (CUP) application of Dan Vradenburg (Open Window School). He said this is a reopened limited public appeal hearing on the decision of the Hearing Examiner approving with conditions the CUP application of Open Window School to establish a private school for a maximum of 315 students and 40 teachers, administrators and support staff on a site at the intersection of SE 60th Street and 168th Place SE. This appeal was heard by the Council on October 2, 2000, and remanded by the Council to the Hearing Examiner to take additional evidence on issues relating to the applicability of the Traffic Standards Code and Comprehensive Plan policies to this proposal.

Mr. Andrews said the Hearing Examiner held a hearing and issued findings, conclusions, and a recommendation to Council on the issues raised by the Council's remand. On February 5, 2001,

Council heard argument from the parties on the Hearing Examiner's recommendation after remand and voted to grant the appeal and deny the permit. On February 12, 2001, Council reconsidered that decision and set the matter for hearing tonight on the applicability to and effect on this application of Comprehensive Plan policies LU-1, LU-16, LU-17, and TR-88, and Land Use Code section 20.10.180. Mr. Andrews said tonight's reopened hearing is limited to these issues.

Mr. Andrews said this is a limited public hearing because it is confined to the issues raised by Council and to the record before the Hearing Examiner on those issues. Only the parties to the appeal, or their representatives, may participate in this hearing. The parties to the appeal are the appellants Peter Frame, Mark Gregoire, and the Cougar Mountain Residents Association; the applicant Dan Vradenburg, Chair of the Board of Trustees of Open Window School; and the respondent City of Bellevue Department of Planning and Community Development. After Council opens the hearing, the appellants will have an opportunity to present oral argument based on the record. The appellants will have a total of 10 minutes for argument. If the appellants wish, a portion of that time may be reserved for rebuttal after the conclusion of the respondent's presentation. After opening argument by the appellants, the applicant will have 10 minutes to respond, after which the appellants may argue in rebuttal if time has been reserved for that purpose.

Mr. Andrews said Council may ask questions of any party, of staff, or of the audience about any matter contained in the record. New material not contained in the record made before the Hearing Examiner may not be presented. After all argument is presented and Council has asked any questions it may have, the Council will have the opportunity to deliberate and render a decision on the appeal based upon the record of the prior proceedings. If Council finds that the appellants have carried the burden of proof and that the decision of the Hearing Examiner is not supported by material and substantial evidence, Council may grant the appeal or it may grant the appeal with modifications. In all other cases, the appeal shall be denied. In granting an appeal in whole or in part, the Council may remand the matter to the Hearing Examiner for further proceedings or may continue the matter for further review and analysis. The Council is required to accord substantial weight to the decision of the Hearing Examiner granting the Conditional Use Permit with conditions.

Councilmember Creighton made a statement for the record that his employer, Kibble and Prentice, handles insurance matters for Hanson, Baker, Ludlow and Drumheller of which Linda Youngs, attorney for the applicant, is a member. Mr. Creighton has not discussed the application with Ms. Youngs or any member of her firm. Mr. Creighton said the City Attorney advised him that his participation in the matter does not represent a conflict of interest. He is confident he can continue to participate in the decision with an open mind and without bias.

- ➡ Mrs. Marshall moved to open the limited public hearing, and Mr. Lee seconded the motion.
- ➡ The motion to open the limited public hearing carried by a vote of 7-0.

Mr. Terry provided a brief staff report. He recalled that Council voted on February 5 to grant the appeal of the Cougar Mountain Residents Association and to deny the Conditional Use Permit (CUP) application of Dan Vradenburg (Open Window School). On February 12, Council voted

to reconsider that action and asked staff and the parties to address the following question – How do specific policies in the Comprehensive Plan (Policies LU-1, LU-16, LU-17, and TR-88) and Land Use Code (Section 20.10.180) apply to this CUP application? Mr. Terry said most policies in the Comprehensive Plan are subject to interpretation, and Council is the appropriate body to provide such interpretation. He said staff's report to Council presents two possible interpretations and perspectives regarding the matter.

Appellants

Peter Frame, 18601 SE 65th Place, Issaquah, president of the Cougar Mountain Residents Association, presented argument on behalf of the appellants and reserved one minute for rebuttal. Mr. Frame said he supports Council's efforts to review this issue. He said we can only conjecture as to where we would be tonight if staff, during the pre-application phase, had reviewed the Newcastle Subarea Plan with the same motives and perspectives as the Council. He feels staff would have found a number of policies that would have mandated that the school's proposal be quickly discouraged and directed to another location. If staff had considered the factual evidence, Mr. Frame said they would have found numerous instances in which the policies did not correspond to the evidence.

Mr. Frame reviewed the evidence for Council's consideration. He said the proposed Leber site is at the highest point on Cougar Mountain within Bellevue's city limits. The site's elevation is over 1,000 feet and experiences adverse weather conditions. Mr. Frame said access to the site is limited to two options, both of which are neighborhood collectors, not arterials. One of the streets is dangerous and unsafe even in good weather. Mr. Frame said the City Council approved R-1 residential zoning for this site in 1996. He said the Newcastle Subarea Plan provides for a village development concept, and the village center on Lakemont Boulevard is two miles down the hill from the proposed school site. He said the site lies on the extreme edge of the village community.

Mr. Frame reviewed the school proposal in relation to the policies specified by Council. He said policy LU-1 supports the continuation of a strong residential community rooted amid a blend of opportunities for commerce, industry, education, and recreation. Policies are to be implemented by balancing a care for community values, the neighborhoods, the natural environment, and the economic environment. Mr. Frame recalled that the appellants previously discussed with Council policies NC-69, NC-70, NC-93, and NC-115 from the Newcastle Subarea Plan. He said these policies require that the above-listed uses are to be concentrated in a village center if they are to be located at all in the Newcastle Subarea. The policies mandate low residential densities on the edge of villages and state that development outside village centers is to be restricted to single-family and low-density multifamily housing. Mr. Frame said there is no direct arterial access to the village center from the proposed school site.

Mr. Frame said LU-16 addresses maintaining stability and improving the vitality of residential neighborhoods through adherence to and conformance with the City's land use regulations. He said Council is on record for supporting low-density, low-impact uses on top of Cougar Mountain, first in 1995 during the Comprehensive Plan amendment process that established low-density uses at the top of Cougar Mountain, and again last year when Council considered and then rejected upzoning property adjacent to the proposed school site.

Mr. Frame said LU-17 is written to protect residential areas from the impacts of non-residential uses of a scale not appropriate to the neighborhood. He said the school is a non-residential use that is inappropriate for this neighborhood. He said policies that allow schools in residential areas are clearly meant for local, not regional, schools. Mr. Frame said Open Window School is a regional school, not one serving local community children. He said the school provides no transit options other than carpooling and attracts a student population from a wide geographical base outside of the Newcastle Subarea.

Mr. Frame said the record shows that the addition of more than 1,000 vehicle trips per day as a result of the school proposal will significantly affect local roads and endanger local pedestrian school children. TR-88 addresses preserving the safety of residential streets and the livability of residential neighborhoods by discouraging non-local traffic on streets classified as local. Mr. Frame said SE Cougar Mountain Way is the primary access to the Leber property and is classified as a primary neighborhood collector, a non-arterial road serving existing residential neighborhoods. He said the Comprehensive Plan states, "Collectors serve neighborhood traffic. They do not carry much through traffic." The Transportation section of the Comprehensive Plan provides additional clarification, "Further, the plan promotes land development patterns that are less auto-dependent and that better support travel options." Mr. Frame said none of these options have been provided by the school.

Mr. Frame referred to Code section 20.10.180 – Single family residential estate districts. He read, "Single-family residential estate districts provide for a low-density residential environment, 1 and 1.8 dwellings per acre, which may serve to protect steep slopes or unstable land from over development and may include agricultural uses and activities compatible with low residential density." Mr. Frame said a regional school that draws almost 1,000 vehicle trips per day to the most remote part of Bellevue is not compatible with the existing low residential density on the top of Cougar Mountain.

Mr. Frame referred back to policy LU-16 and said the stability of established neighborhoods is often perceived as a measure of quality. The City's subarea plans, written with direct citizen involvement, are a key element in maintaining stable land use patterns. The City's continued commitment to these plans will generate confidence from the community. Every reasonable effort should be made to adhere to the Subarea Plan. Mr. Frame said the Cougar Mountain Residents Association encourages the Council to preserve and protect the area's residential neighborhoods. He urged Council to deny the application.

Applicant

Dan Vradenburg, President of the Board of Trustees for Open Window School, thanked Council for reconsidering the school's application. He thanked City staff for its time and effort on the matter. He said the purpose of tonight's hearing is to offer testimony regarding land use and traffic codes. Mr. Vradenburg said schools are allowed in all residential zones. Policy LU-1 calls for the continuation of a strong residential community rooted amid a blend of opportunities for commerce, industry, education, and recreation. Mr. Vradenburg said nothing in this policy can be construed as limiting schools to only certain zones within the community.

Mr. Vradenburg said LU-17 only requires non-residential uses of a scale that is appropriate to a neighborhood. LU-17 does not prohibit non-residential uses. Mr. Vradenburg said the Hearing

Examiner found that Open Window School easily conforms to the scale and design of a low-density residential neighborhood. LU-16 calls for enforcement of the City's land use code regulations. Mr. Vradenburg said there is no evidence that the school does not meet the codes. He said no variances have been requested. He reiterated that schools are allowed in all residential zones.

Mr. Vradenburg said Open Window School should be granted a Conditional Use Permit. He said the school's attempted negotiations with the Cougar Mountain Residents Association failed. The association does not want the school to be located on the proposed site. Mr. Vradenburg said growth is part of life. He acknowledged that traffic will increase in the future on Cougar Mountain, but he feels the traffic will be manageable and safe for everyone. He said the City's Transportation Department supports this position. Mr. Vradenburg said the school is willing to work with residents.

Mr. Vradenburg questioned whether the benefit of the school outweighs the cost of increased traffic. He said it must, otherwise there would be no schools in Bellevue neighborhoods. He said some residents claim the site is rural and remote and that the roads are dangerous and icy. Mr. Vradenburg said the site is neither rural or remote, as it is located 2.3 miles from I-90. He said single-family and multifamily housing is located along Cougar Mountain Way, which is scheduled for improvements before the school would move to the site. If roads are dangerous, Mr. Vradenburg said school will be cancelled.

Mr. Vradenburg addressed residents' concerns regarding increased traffic. He said the worst-case scenario for opening day is 175 cars. After seven years and full development of the facility, Mr. Vradenburg said the maximum number of cars will be 250. He said common sense tells us that schools produce more traffic than housing. However, if decisions about schools were based on that standard, he said no new schools would ever be built in Bellevue. Mr. Vradenburg said schools are allowed in all residential zones. He questioned the appellants' assertion that the school will increase cut-through traffic.

Mr. Vradenburg referred to the appellants' claim that schools belong in a village center with commercial development. He said the school's attorney explained in a letter to Council that the Newcastle Subarea Plan served its purpose and has been superseded by the state Growth Management Act. The Hearing Examiner concluded that the village concept does not apply to the proposed school site. Mr. Vradenburg said the school complies with all land use codes.

Mr. Vradenburg questioned the appropriate placement for elementary schools. He said Bellevue's elementary schools are located in residential neighborhoods and are often named after the neighborhoods. He said schools belong in neighborhoods. Mr. Vradenburg said the appellants feel Open Window School does not belong in their neighborhood because it is not a local school. He noted that Bellevue public schools offer magnet programs and open enrollment yet locate their schools in neighborhoods. Bellevue understands that schools are community resources. Mr. Vradenburg said schools are critical to the vitality and stability of any community. He said the Comprehensive Plan makes no distinction between local, community, public, private, parochial, magnet, or any other type of school. All schools are allowed in all residential neighborhoods.

Mr. Vradenburg said the residents claim that Council promised them in 1995 they would have low density at high elevations and high density at low elevations. He said no written record of that promise has been found.

Mr. Vradenburg said the proposed school site is faced on two sides by R-5, high-density developments. He said the site is located halfway between Lakemont Boulevard and the top of Cougar Mountain. He reiterated that schools are allowed in all residential zones and densities.

Mr. Vradenburg read a quote from Benjamin Franklin, "The education of children is the center of all politics, and in the end, the only political question." He expressed the school's commitment to future generations of children. He asked Council to help Open Window School survive. He said the school has spent three years and \$1.2 million on this project, and the school might otherwise have to close at the end of its current lease. Mr. Vradenburg encouraged Council to make a difference for the community by approving the school's application.

City Clerk Myrna Basich noted that the appellants have one minute and 41 seconds remaining for rebuttal.

Rebuttal

Mr. Frame said no one in the community is happy with the situation that is being addressed here. He said the appellants cannot help the fact that the school has spent \$1.2 million toward this project. He feels placement of the school at the proposed site will degrade the community. Mr. Frame feels the school should find another location more suitable for a regional school. He acknowledged that elementary schools are located throughout neighborhoods, but he said they have a mission to serve their local communities.

Mr. Frame said Open Window is not a local school and the proposed location is not appropriate for a school. He said the proposed location is situated in a buffer area approved by Council in 1995 as part of a well-documented analysis of the entire region and Cougar Mountain Way. He urged Council to follow the Comprehensive Plan.

Mayor Mosher indicated that Mr. Frame's time had expired.

- ➡ Dr. Davidson moved to close the public hearing, and Mrs. Marshall seconded the motion.
- ➡ The motion to close the public hearing carried by a vote of 7-0.
- ➡ Dr. Davidson moved to deny the appeal and accept the Conditional Use Permit application of Dan Vradenburg (Open Window School), and Mr. Creighton seconded the motion.

Mrs. Marshall described her commitment to education, prior service on the board of a private school, and her current role on the Bellevue Schools Foundation Board. She said tonight's decision is not about education but rather about land use and the Comprehensive Plan. Mrs. Marshall feels the CUP application for Open Window School is inconsistent with several Comprehensive Plan policies. She said the Comprehensive Plan provides direction that regional

facilities should not be located in single-family neighborhoods. Open Window School is characterized by the applicant as a regional facility.

Mrs. Marshall noted an error in the Hearing Examiner's finding that Cougar Mountain Way is designated as a neighborhood collector arterial. She said Cougar Mountain Way and SE 60th Street are both designated as local streets in the City's arterial street classification system. Comprehensive Plan policy LU-12 provides for accessing high traffic-generating land uses from arterials whenever possible. Mrs. Marshall feels the school's proposal violates this policy. She said the school does not consider busing a viable transportation option for its students.

Mrs. Marshall read from policy LU-16: "Maintain the stability and improve the vitality of residential neighborhoods through adherence to and enforcement of the City's land use regulations." This policy implements Goal 2 of the Land Use Element of the Comprehensive Plan. Mrs. Marshall said Goal 2 states that a purpose of the Land Use Element is to preserve, protect, and strengthen the vitality and stability of existing neighborhoods. She said these policies would be violated by allowing a regional school and associated traffic at the proposed location. The traffic to be generated by the school is approximately 13 times the traffic that would be generated if the site were developed with single-family residences. Mrs. Marshall said this traffic is incompatible with the low-density, single-family residential zoning of R-1. She feels the vitality and stability of the neighborhood would not be maintained if the CUP application is granted.

- ➡ Mrs. Marshall made a substitute motion to grant the appeal and deny the Conditional Use Permit application of Dan Vradenburg (Open Window School), and Mr. Degginger seconded the motion.

Mr. Degginger acknowledged that Open Window School is a fine school. However, he feels the proposed location of the school is not consistent with Bellevue's land use policies. Regarding the applicant's claim that schools are allowed in all residential zones, Mr. Degginger said schools are not allowed outright but must apply for a Conditional Use Permit. He said it is the Hearing Examiner's job to review the Comprehensive Plan to determine whether an application is consistent with the plan.

Mr. Degginger expressed concern that a number of the land use policies identified were not reviewed and weighed carefully, and that there is not substantial evidence to support the Hearing Examiner's decision. He feels policies LU-1 and LU-17 were not considered carefully by the Examiner. The Hearing Examiner provided support for his conclusion that the school's location is consistent with the Comprehensive Plan by referring to a statement that reads: "Zoning ordinances permit schools in all residential areas which carry out the policy of blending opportunities." Mr. Degginger said the Examiner's conclusion is erroneous because not all uses are permitted in residential areas. He said the Examiner noted that schools are often located deep within residential zones. Mr. Degginger said while that may be the case, it is important to look at these situations in comparison to the application of Open Window School.

Mr. Degginger said the Examiner relied on staff's analysis of how onsite mitigation constituted compliance with LU-17. He said neither staff's analysis nor the Examiner's findings and conclusions analyze, address, or reconcile a number of issues related to Comprehensive Plan policies.

Mr. Degginger discussed the regional nature of the school and associated traffic generation. He feels the Examiner and City staff did not analyze the potential safety issues related to increased traffic volumes at the same time that neighborhood school children will be out walking and playing in the area.

Mayor Mosher spoke in opposition to the substitute motion. He feels the scale of the school project, which is smaller than a typical public elementary school, is appropriate to the neighborhood. He said the project's design is compatible with the surrounding neighborhood. He said unnecessarily limiting schools in urban areas contradicts restrictions now placed on development in rural areas. He said private schools are all somewhat regional in nature and limiting schools to serving the immediate neighborhood unfairly restricts private schools.

Mr. Mosher noted that existing public and private elementary schools are located nearby and he is inclined to follow precedent in making this decision. Further, he said local public schools have magnet programs that attract students from throughout the region. Mr. Mosher said the village concept has not been fully developed on Cougar Mountain, and existing schools are not located in village centers.

Mr. Lee discussed the difficulty in balancing the proposal against the needs of residents and the existence of adequate infrastructure. He expressed concern about increased traffic volumes and the safety of children in the area. He is satisfied, however, that the conditions imposed on the project will mitigate any concerns. Mr. Lee will not support the substitute motion.

Mr. Noble described his commitment to education and his service to the Bellevue School District. He said schools are not automatically allowed in all residential zones. Schools must comply with certain requirements of the Conditional Use Permit process. Mr. Noble feels the Hearing Examiner did not give adequate consideration to traffic impacts generated by the proposed school project. Mr. Noble said he will support the substitute motion to grant the appeal.

Dr. Davidson noted that the burden of proof falls on the appellants, and he weighs the Hearing Examiner's report and staff's analysis heavily. He toured the vicinity of the proposed school, which he said is adjacent to single-family and multifamily housing. He said Open Window School's design reflects appropriate setbacks, adequate open space, and a sensitivity to the surrounding area. He is opposed to the substitute motion.

Mr. Creighton feels the school has made every effort to design a facility that will fit in with the community. His primary concern is the traffic to be generated by this particular land use. He described existing private schools located in residential areas that blend in with the community without producing negative impacts. Mr. Creighton recalled that when he served on the Bellevue School Board, there was a preference locate schools on quieter streets away from arterials due to safety concerns. He noted that Cougar Mountain falls within the urban growth boundary and wondered where schools can be located if not within neighborhoods. Mr. Creighton supports the Hearing Examiner's position and opposes the substitute motion.

Mr. Degginger said the Comprehensive Plan was adopted in 1993 and no schools have been developed since that adoption. He noted that schools mentioned by Councilmembers as

examples all have bus transportation and provide public facilities that serve as community resources.

- ☉ The substitute motion to grant the appeal and deny the Conditional Use Permit application of Dan Vradenburg (Open Window School) failed by a vote of 3-4, with Deputy Mayor Marshall, Mr. Degginger, and Mr. Noble in favor.

Mayor Mosher then requested Council consideration of the main motion.

- Mrs. Marshall moved to amend the motion to impose an additional condition of the voluntary contribution of \$5,000 by the applicant toward the installation of a traffic signal at the intersection of Cougar Mountain Way and Lakemont Boulevard, within six years from the issuance of building permits for the school facility. Mr. Noble seconded the motion.
- The amendment to the motion to impose an additional condition of the voluntary contribution of \$5,000 by the applicant toward the installation of a traffic signal at the intersection of Cougar Mountain Way and Lakemont Boulevard, within six years from the issuance of building permits for the school facility, carried by a vote of 7-0.

Mr. Andrews noted that Open Window School has also offered to expand the limitation on off-hour use of the facility. He said all conditions will be specified in the ordinance for Council's review.

Mr. Lee reiterated his concerns regarding traffic to be generated by the proposed school project.

In response to Mr. Creighton, Mr. Terry did not recall the offer described by Mr. Andrews but he said residents are concerned about after-hours activities and related traffic.

- ☉ The motion to deny the appeal and accept the Conditional Use Permit application of Dan Vradenburg (Open Window School) carried by a vote of 5-2, with Deputy Mayor Marshall and Mr. Degginger dissenting.

In response to Mr. Lee, Mr. Andrews said this matter is considered quasi-judicial until one week after adoption of an ordinance documenting the decision.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 5278 updating the school impact fee schedule for Issaquah School District No. 411; amending Section 22.18.100 of the Bellevue City Code.
(Current school impact fees are assessed in the amounts of \$6,131 for each single-family unit and \$1,412 for each multifamily unit. The district has requested reduced amounts to be collected in 2001 - \$4,658 for each single-family unit and \$732 for each multifamily unit.)

This item was postponed to March 19.

12. Unfinished Business: None.
13. Continued Oral Communications: None.
14. New business: None.
15. Executive Session: None.
16. Adjournment

At 9:42 p.m., Mayor Mosher declared the meeting adjourned.

Myrna L. Basich
City Clerk

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